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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-fourth session

SUMMARY RECORD OF THE 586th MEETING

Held at the Vienna International Centre, Vienna,
on Tuesday, 4 April 1995, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

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Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries (*continued*)

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES *(continued)* (A/AC.105/573; A/AC.105/C.2/L.182/Rev.2 and L.197; A/49/20)

1. **Mr. McCARTHY** (Australia) said that, since the Subcommittee's thirty-third session, the Australian Space Council had released its first five-year plan for the period 1994-1998, which included strategies to strengthen Australia's position for access to remote sensing data and develop its remote sensing applications and value-added service industries, facilitate the involvement of Australian industry in the delivery of communications services using low Earth-orbiting (LEO) satellites and develop and demonstrate launch service and small satellite manufacturing capabilities.

2. A broad objective of the Council was to promote links with the Asia-Pacific region, and there was strong interest in Australia's space programme being extended into the region. Australia had provided significant support for development projects in the region involving space-related applications, particularly in remote sensing and the use of geographic information systems.

3. Australia would to pursue prospects for regional collaboration in small satellite development through discussions with interested parties in Australia and Asia. The Space Council had sought to interest companies or organizations with a demand for LEO satellite services in participating in a small satellite industry development project, to take advantage of a potentially attractive, high-value niche market. The Council would also pursue bilateral discussions with government agencies likely to be interested in small satellites.

4. In considering Australia's launch opportunities, the Council was undertaking two pre-feasibility studies to assess the potential for a joint venture between Australia and international interests to establish a light launch capability in Australia.

5. The Economic and Social Commission for Asia and the Pacific (ESCAP) Ministerial Conference at Beijing had issued a Declaration calling for the implementation of a programme on space technology applications for environmentally sound sustainable development in the Asia-Pacific region. An action plan had also been endorsed by ESCAP ministers, and an expert group meeting had developed proposals for its implementation. Additional United Nations resources had been provided to ESCAP to support the expanded programme. It was to be hoped that the Committee on the Peaceful Uses of Outer Space, as the coordinator of United Nations space activities, would also be able to help ESCAP to perform the task it had been given by the Beijing Declaration. Australia saw the ESCAP forum as the appropriate multilateral mechanism for its space-related involvement in the region.

6. Based on voluntary cooperation in the pursuit of shared interests with regional partners, the ESCAP programme reflected the type of cooperation in space matters that was envisaged by the joint working paper submitted by Germany and France (A/AC.105/C.2/L.197). Australia supported that paper as a basis for discussion on space benefits; the philosophy that it embodied reflected Australia's practical experience in

space cooperation within the Asia-Pacific region, and Australia believed that that experience had been beneficial to the regional generally.

7. **Ms. ARRIGO** (Italy) said that, since 1990, the Italian Centre for Space Law had promoted and stimulated legal knowledge and studies relating to space activities.

8. Space cooperation and the use of space technology were precious tools to be used in achieving economic and social development, particularly in the developing countries. Italy consequently recommended that discussions on international cooperation in the exploration and utilization of outer space for peaceful purposes should be continued in the Working Group on the Benefits of Outer Space, in view of the need to extend the ensuing benefits to all States.

9. Italy had a long tradition of participation in United Nations cooperation and development programmes and in that context many intergovernmental scientific and technological agreements on space cooperation had been signed or renewed. Inter-agency space cooperation had been encouraged under the Central European Initiative in Science and Technology with a number of Eastern European countries. Italy had recently signed an agreement with Kenya concerning a satellite tracking and launching station. It was also pursuing bilateral cooperation with Argentina in the field of research and utilization of outer space, and was studying ways of increasing and developing cooperation with China on the basis of an intergovernmental agreement on the utilization and exploration of outer space.

10. At the European level, Italy's main contribution to the needs of developing countries had been to the Ad Hoc Working Group on Developing Countries created by member States of the European Space Agency (ESA). It also participated actively in the Centre for Earth Observation (CEO) established in 1992 by the Commission of the European Communities to establish a network for the exchange of satellite and environmental data. In that context, Italy had always underlined the need to consider the needs of developing countries. Within EUMETSAT, Italy supported greater effort in favour of the developing countries, particularly in education and training.

11. Outside Europe, the Italian Space Agency represented the Italian Government on the Committee on Earth Observation Satellites (CEOS), where it was important to strengthen dialogue with all communities to ensure the maximum benefit, in terms of data utilization, from the efforts and resources mobilized in support of Earth-observing space missions.

12. Remote sensing data were important for all countries, and particularly for the developing countries. The Italian Space Agency had collaborated with the National Aeronautics and Space Administration of the United States of America (NASA) and the German Space Agency in the Space Radar Laboratory (SRL) mission, providing the first shuttle imaging radar unit. That system had the capability of collecting data over virtually any region at any time, regardless of weather or sunlight conditions.

13. ESA and the Italian Space Agency had signed an agreement on the use of the Matera Processing and Archiving Facility for the archiving, retrieval, processing and distribution of data from ERS-1 and ERS-2 satellites. ERS data was accessible to all interested users on an open, non-discriminatory basis.

14. International cooperation in space debris studies was particularly important and was being examined by an Italian working group, whose deliberations should contribute to clarifying and developing space law in that field.

15. **Ms. KATO** (Japan) said that the working paper by Germany and France (A/AC.105/C.2/L.197) was an appropriate basis for constructive discussion.

16. International cooperation should be promoted on the initiative of countries concerned, through bilateral or multilateral discussion, and based on the need for exploration and utilization of outer space and the conditions in individual countries. Any interference in the activities of individual countries by efforts to establish general rules should be avoided.

17. In promoting international cooperation, it was important to ensure that all countries involved benefited. Any cooperation which imposed a heavy burden on particular countries would be unacceptable. Japan acknowledged that the Franco-German working paper covered those points.

18. **Mr. CELEDON** (Chile) said that document A/AC.105/C.2/L.182/Rev.2 incorporated constructive ideas put forward at earlier sessions of the Subcommittee, and it was to be hoped that the improved text would enable the Subcommittee to make further progress at the present session. The working paper (A/AC.105/C.2/L.197) introduced by France and Germany, countries which had earlier been critical of document A/AC.105/C.2/L.182/Rev.1, also represented progress. The differences between delegations could be studied in the Working Group on the Benefits of Outer Space and the Chilean delegation was confident that a consensus would be reached.

19. Cooperation in outer space was becoming increasingly important, since technical advances could only be achieved on a cooperative basis. As the competent body, the Subcommittee should make every effort to give such international cooperation a legal framework.

20. Bilateral cooperation between States in outer space matters was already a reality, but the establishment of principles governing international cooperation would improve such cooperation, in line with the requirements of article 1 of the Outer Space Treaty.

21. **Mr. BARSEGOV** (Russian Federation) said that the 1967 Outer Space Treaty had set a lofty goal: to develop cooperation in space taking into account the needs and interests of all countries. The scope of peaceful interaction in space must now be expanded, and the discussions within the Subcommittee were an excellent opportunity for conceptualizing future prospects for such interaction. The discussion must become more focused, yet at the same time cover a broad spectrum of topics. Tendentious language should be avoided, and the debate kept as down-to-earth and business-like as possible.

22. Leaving moralizing aside, the real reasons for lack of progress were economic and financial. He urged delegations not to formulate new precepts and principles for space activity that were not in conformity with reality. No useful purpose would be served by the dispersal of space capital that had been laboriously accumulated.

23. One of the cornerstones of joint space activity was the development of real interaction. In that connection it was strange that the sponsors of the draft principles (see document A/AC.105/C.2/L.182/Rev.2) included countries that had not yet joined Russia as partners in space, although sound draft agreements had been ready for implementation for several years.

24. In 1994, his delegation had urged that developing countries with space capabilities should indicate their ideas for sharing their potential with others (see document A/AC.105/C.2/SR.576, para. 53). Such a pragmatic approach would bring out the need to replace the idea of vertical redistribution by that of the horizontal unification of the efforts of all States, including the developing countries, which would thereby acquire a capacity for space activity.

25. Analogies were always risky, and that was true of references to the law of the sea. It would be counter-productive to try to use the notion of a common heritage of mankind as a universal model for solving all problems. In any event, even in the case of the seabed and its resources, the model had to be adapted little by little to objective conditions.

26. The formation of a comprehensive approach to the exploration and utilization of outer space was clearly indissociable from the identification of new fields for international interaction and the achievement of long-term solutions to a number of major problems in space conquest, in line with the interests of various States and groups of States. Yet the proposals for a world space organization or an international centre for joint research and development of prototypes at the request of developing countries had met with indifference on the part of the very countries that one might have expected to be interested in their successful implementation.

27. Cooperation in outer space was affected by the situation resulting from space competition. Slow but steady progress was being made towards establishing equitable relations of partnership, but serious efforts to ensure equality of rights were still needed.

28. The working paper submitted by France and Germany (A/AC.105/C.2/L.197) was a good starting point for more in-depth analysis.

29. **Mr. SCHALLY** (Austria) said that his delegation considered that it would be unwise for the time being to create a rigid, legally binding regulatory framework for cooperation on space activities. What was needed rather was a set of general, non-binding guidelines to give the international community an idea of how such activities might be carried out, without prejudice to any different modes of interaction between nations active in space and States that might benefit from such cooperation in the future.

30. His delegation welcomed the Franco-German paper (A/AC.105/C.2/L.197), which adequately reflected that idea. The Subcommittee should now study that document as well as document A/AC.105/C.2/L.182/Rev.2 to see what progress could be made towards a consensus.

31. **Mr. ROMERO** (Cuba) said that his delegation supported the working paper submitted by Brazil and other delegations (A/AC.105/C.2/L.182/Rev.2) as it stood, and considered that it could serve as a useful basis for the Subcommittee's discussions on the item. A legal framework was needed that would guarantee access

for all countries, in particular the developing countries, to all the benefits deriving from the exploration and utilization of outer space.

32. Moreover specific measures had to be taken to safeguard the rights of countries with little or no space capability to participate fully in the exploration and utilization of outer space when they had the resources to do so. That objective could be achieved by means of international cooperation.

33. **Mr. VIVOD** (International Astronautical Federation) said he wished to draw attention to the tacit ratification procedure which could be applied when amendments were required to space conventions in order to avoid lengthy review. Such a procedure was already applied in a number of terrestrial conventions including the 1965 Convention on Facilitation of International Maritime Traffic, the 1975 Customs Convention on the International Transport of Goods under Cover of TIR Carnets and the 1972 Customs Convention on Containers.

34. The draft convention on damage caused by space debris contained an annex dealing with amendments to that convention.

The meeting rose at 11.15 a.m.